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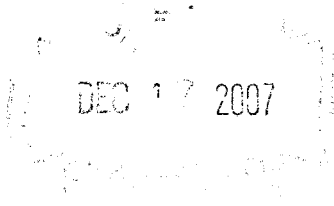
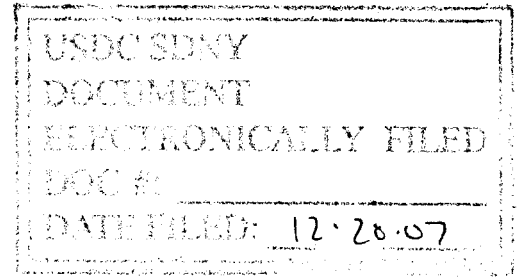
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December 14, 2007

By Fed Ex

Hon. William H. Pauley, III
United States District Judge
United States Courthouse
Room 2210
500 Pearl Street
New York, NY 10007

***Re: United States v. Martin McKernan
07 Cr. 674 (WHP)***

Dear Judge Pauley:

This letter is respectfully submitted for two purposes:

1. To request that the Court order a surrender date for Mr. McKernan on February 1, 2008, subject to an application for further adjournment if he has not been designated to a particular institution by then.
2. To request that your Honor recommend to the Bureau of Prisons ("BOP") that Mr. McKernan be placed in a halfway house (Community Correction Center ("CCC")) or, in the alternative, that he be placed in the camp at Ft. Dix as originally requested.

Surrender Date

At Mr. McKernan's sentence on December 7, 2007, the parties forgot to ask the Court to set a surrender date for Mr. McKernan. Your Honor's Clerk called me about this omission shortly after we left the Courtroom. Because it appears that it could take some time for Mr. McKernan to be designated to an institution, I respectfully request that his surrender date be set for February 1, 2008. A.U.S.A. Chernoff has no objection. In the unlikely event that Mr. McKernan does not have a surrender date at a designated institution by then, I request the opportunity to ask the Court for an additional adjournment.

Designation to a CCC

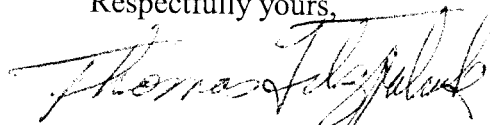
At Mr. McKernan's sentencing, your Honor, at my request, agreed to recommend to the BOP that Mr. McKernan serve his sentence at the camp at Ft. Dix.

I have since been informed by a sentencing/BOP expert whom Mr. McKernan retained that Mr. McKernan is eligible to be designated to a CCC. See *Levine v. Apker*, 455 Fed.3d 71 (2d Cir. 2005). I have also been informed by our expert that for sentences under a year, the BOP often assigns prisoners to a CCC. However, I was also informed that the BOP will not place a defendant in a CCC without a recommendation from the Court. The Court is authorized to make such a recommendation pursuant to 18 USC §3621(b)(4).

If Mr. McKernan is designated to a CCC to serve his sentence, he would be permitted to work during the day, but would be required to return there at the end of the day. I have been informed that, unlike prisoners who are transferred to a CCC shortly before their release, Mr. McKernan would not normally be eligible for furloughs or passes. I respectfully submit that Mr. McKernan is an ideal candidate for a CCC.

We would appreciate it if the Court would indicate its agreement to recommend that Mr. McKernan be designated to a CCC or, in the alternative, that he be designated to the camp at Ft. Dix.

Respectfully yours,

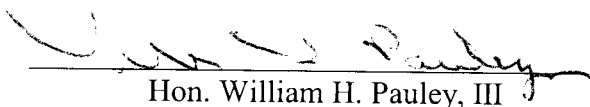


Thomas Fitzpatrick

Copy to Harry Chernoff, Esq. (**By Fax**)
Assistant United States Attorney

*Application Granted in part. Defendant shall
surrender 2-1-08.*

The Court recommends that Mr. McKernan be designated
to a CCC or, in the alternative, that he be designated to
the camp at Ft. Dix.



Hon. William H. Pauley, III

U. S. D. J.

12.17.07